

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LISA KELLEY,

Plaintiff,

vs.

Case No. 20-CV-12710
HON. GEORGE CARAM STEEH
MAG. JUDGE ANTHONY P. PATTI

COMMISSIONER OF
SOCIAL SECURITY
ADMINISTRATION,

Defendant.

_____ /

ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION (ECF NO. 17), GRANTING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT OR REMAND (ECF NO. 12),
DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
(ECF NO. 14) AND REMANDING TO THE COMMISSIONER

This matter is before the court on plaintiff Lisa Kelley's challenge of a final decision of defendant Commissioner denying her application for social security disability benefits. Plaintiff filed a motion for summary judgment or remand and the Commissioner filed a cross motion for summary judgment. The motions were referred to the magistrate judge for report and recommendation.

On June 24, 2022, the magistrate judge issued a report and recommendation recommending that plaintiff's motion to remand be granted and defendant's motion for summary judgment be denied. The

report provides the following direction on remand:

[This matter is REMANDED] to the Commissioner for a written decision that complies with 20 C.F.R. § 404.1529 and SSR 16-3p, including the factors for “consideration of other evidence.” Upon remand, the ALJ should provide a detailed discussion of Plaintiff’s function report, hearing testimony, and subjective complaints, including but not limited to: (1) fatigue; (2) Crohn’s symptoms, such as the need for and frequency of bathroom breaks; and, (3) the side effects of her various medications in conjunction with prescription changes and any resulting fluctuations in the symptomology of Plaintiff’s Crohn’s Disease. See Section II(E)(2). Finally, the ALJ should revisit her discounting of the February 8, 2018 health provider form as time-limited, see Section II(E)(1)(b)(i) above, and indicate whether the form’s August 8, 2018 expiration in any way changes the persuasiveness afforded to it. [footnote omitted]

ECF No. 17, PageID.1089-1090.

Objections to the report have not been filed by either party within the established time period. The court has reviewed the file, record, and magistrate judge's report and recommendation and accepts the magistrate judge's recommendation. Accordingly,

IT IS ORDERED that the magistrate's report and recommendation (ECF No. 17) is accepted as the findings and conclusions of this court.

IT IS FURTHER ORDERED that plaintiff’s motion for remand (ECF No. 12) is GRANTED, and the Commissioner’s motion for summary judgment (ECF No. 14) is DENIED, for the reasons well-developed in the magistrate judge's report and recommendation.

IT IS FURTHER ORDERED that the case is REMANDED to the Commissioner for further proceedings consistent with the report and recommendation.

SO ORDERED.

Dated: July 12, 2022

s/George Caram Steeh
HON. GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on July 12, 2022, by electronic and/or ordinary mail.

s/Brianna Sauve
Deputy Clerk